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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,733	04/15/2004	David Hardin Abrams	6562/53824	6741

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EXAMINER

MISIASZEK, MICHAEL

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/824,733	<b>Applicant(s)</b> ABRAMS ET AL.	
	<b>Examiner</b> Michael Misiaszek	<b>Art Unit</b> 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10, 16, 17, 34, 92-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16, 17, 34, 92-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Prosecution History***

Claims 1-10, 16,17, 34, and 92-94 are pending. Claims 11-15, 18-33, 35-91, and 95-102 are cancelled and withdrawn from consideration per a preliminary amendment filed 4/15/2004.

### ***Response to Amendment***

The preliminary amendment filed on 4/15/2004 has been received and entered

### ***Priority***

Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

The disclosure of the prior-filed application, Application No. 10/098664, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The prior-filed application discloses a folding chair and has a different inventive entity from the present application. Applicant's claim of priority to Application No. 10/098664 is therefore denied.

The bibliographic data sheet shows the present invention to be a continuation-in-part of Application No. 10/098664, and a continuation of Application No. 09/363246. It is noted that this application appears to claim subject matter disclosed in prior Application No. 09/363246, filed 7/28/1999, but not in Application No. 10/098664. In

Art Unit: 3625

order to receive priority to this prior-filed application, applicant must submit an amendment to the specification correcting the apparent typographical error.

### ***Claim Objections***

Claim 9 is objected to because of the following informalities: "claims" in line 1 should be changed to --claim--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**1. Claims 1-10, 16, 34, and 92-94 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenney (US 6026376).**

#### **Regarding Claim 1**

Kenney discloses a system for shopping in a remote physical location over a computer network comprising:

- a user interface, remote from said physical location and coupled to said computer network (at least figure 3: user terminal)

Art Unit: 3625

- said user interface transmitting control signals designating selected regions of said physical location (at least column 2, lines 10-21: control signals represent digital images of shopping facility)
- said user interface displaying images received over said computer network (at least figures 3-9)
- an image acquisition system coupled to said computer network (at least column 2, lines 10-21: digital camera)
- said image acquisition system transmitting an image of a selected region in said remote physical location in response to said control signals (at least figures 3-9)
- wherein a user of said shopping system can select a product based on said image received and displayed by said user interface (at least column 2, lines 37-62: user can select product)

Regarding Claims 2-5, 16

Kenney further discloses:

- said user interface includes a field into which said user may identify said product (at least column 11, lines 35-58: user can enter desired item)
- said user interface includes a list of products appearing in the selected region displayed by said user interface (at least column 2, lines 63-67 and column 3, lines 1-9: list of displayed items)
- said user interface includes vendor contact information (at least column 10, lines 64-67: user gets instructions for store pickup)

Art Unit: 3625

- a parameter region database, wherein said parameter region database includes a list of products and regions in said remote physical location for corresponding ones of said products (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)
- a processor coupled to said parameter region database, said processor also being coupled to receive a selected region, said processor accessing said parameter region database according to said selected region to retrieve the products corresponding to said selected region, said processor further being coupled to transmit said retrieved products to said user (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)
- said image acquisition system includes a camera system (at least column 2, lines 10-21: digital camera)

#### Regarding Claims 6-10

Kenney further discloses:

- said regions stored in said database are defined in relation to at least one positional parameter of said image acquisition system (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)
- said regions stored in said database are defined by at least one of the pan, tilt and zoom values of said camera system (at least column 8, lines 10-50: computer uses x, y, and z coordinates to identify product locations)

Art Unit: 3625

- said regions stored in said database are defined according to a range of pan, tilt and zoom values of said camera system (at least column 8, lines 10-50: computer uses x, y, and z coordinates to identify product locations)
- said user interface displays a list of said retrieved products (at least column 11, lines 35-58: user can search for desired item and receive results)

Regarding Claim 34

Kenney further discloses:

- said selected region contains at least one product (at least figure 7: region includes and item for reorder)

Regarding Claims 92-94

Kenney discloses a method for shopping in a remote physical location over a computer network comprising:

- said computer network carrying and routing data between computers connected thereto (at least column 8, lines 1-10: data transmitted over communications link)
- said computers including at least one client computer associated with one or more users (at least column 2, lines 10-21)
- at least one server associated with a provider of goods or services, said server coupled to a database (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)

- said database including a list of products located at said remote physical location (at least column 8, lines 10-50: computer 18 stores product and spatial data of store)
- said server operably coupled to and controlling an image acquisition system (at least column 8, lines 10-50: computer uses spatial coordinates in store to obtain camera images)
- (a) placing a product in a selected region of said remote physical location (at least column 8, lines 10-50: products in particular store location)
- (b) placing a product identification tag on said product (at least column 8, lines 10-50: product identifiers are created)
- (c) associating said tag with said product (at least column 8, lines 10-50: product identifiers are created for database use)
- (d) storing a representation of said tag in said database in association with said product (at least column 8, lines 10-50: product identifiers are created for database use)
- (e) acquiring an image of said selected region (at least figure 7)
- (f) analyzing at said server, said image to identify said tag placed on said product (at least figures 3-9 and column 8, lines 10-50: product images associated with product information, including identifiers)
- (g) accessing said database according to said identified tag to retrieve said product identification (at least figures 3-9 and column 8, lines 10-50: product images associated with product information, including identifiers)



Art Unit: 3625

- (h) transmitting interface data to said user, said interface data including said image and said product identification (at least column 8, lines 10-50: computer stores images and product data and transmits to user via communication link)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenney in view of Fernandez et al. (US 6697103 B1, hereinafter Fernandez).**

Kenney discloses the claimed invention except for:

- said camera system includes at least one computer-controlled, pan-tilt-zoom camera

Fernandez teaches that it is known to include a computer-controlled, pan-tilt-zoom camera (at least column 6, lines 50-58) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system for shopping, as taught by Kenney, with the camera, as taught by

Art Unit: 3625

Fernandez, since such a modification would have provided a more reliable and scalable solution for monitoring remote objects (at least column 1, lines 26-30 of Fernandez).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (571) 272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael A. Misiaszek  
Patent Examiner  
2/27/2006